

Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RILEY GAINES, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:24-cv-01109-MHC
)	
NATIONAL COLLEGIATE)	
ATHLETIC ASSOCIATION, <i>et al.</i>)	
)	
Defendants.)	

**COMPLAINT FOR DAMAGES, DECLARATORY, EQUITABLE,
AND CLASS RELIEF AND DEMAND FOR JURY TRIAL**

INTRODUCTION¹

1. This is an action under Title IX of the Education Amendments of 1972, (Pub. L. 88-352), codified at 20 U.S.C. § 1681(a) (“Title IX”), and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution to remedy sex² discrimination against women in college athletics.

2. Section 901(a) of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a), provides that “[n]o person in the United States shall, on the

¹ Attached as **Appendix A** is a Table of Contents for this Amended Complaint.

² “Sex” is used here to refer solely to binary, biological sex. *See Adams by & through Kasper v. Sch. Bd. of St. Johns Cnty.*, 57 F.4th 791, 812 (11th Cir. 2022) (Title IX defines “sex” “based on biology and reproductive function.”); *Black’s Law Dictionary* (5th ed. 1979) (“**Sex.** The sum of the peculiarities of structure and function that distinguish a male from a female organism[.]”); *see also Bostock v. Clayton Cnty., Ga.*, 590 U.S. 644, 655 (2020) (“sex” in the Civil Rights Act of 1964 “refer[s] only to biological distinctions between male and female”).

member institutions, such as research funding obtained by the NCAA from the U.S. federal government.

150. The relationship between the NCAA and its member institutions is intended by the NCAA and its member institutions to, among other things, maximize the revenue flowing from college sports and reduce the expenses of members.

151. NCAA members expect the NCAA to effectively and uniformly regulate and control the six areas of intercollegiate athletics set forth in Paragraph 131 above, to receive collaborative input from the member institutions and their member multi-sport conferences, and to make payments to members of NCAA revenues.

NCAA Role in Supporting Mental and Physical Health, Safety and Performance of Student-Athletes in Collegiate Sport

152. The NCAA supports mental and physical health, safety and performance in college sport through the work of playing rules committees for each NCAA sanctioned sport.

153. Each playing rules committee makes changes to playing rules to enhance safety in sport and these recommendations are guided by the NCAA Injury Surveillance Program.

154. The NCAA has since 1999 been invested in concussion research and the development of concussion education for student-athletes and health care providers to NCAA member institutions.

155. The NCAA's focus upon concussion research and concussion education is consistent with the NCAA's constitutional responsibilities to member institutions and student-athletes of member institutions to promote healthy and safe intercollegiate athletics, to conduct national championships in a manner designed to protect, support and enhance the physical and mental health and safety of student-athletes, and to develop and promulgate guidance, rules and policies for student-athlete physical and mental health, safety and performance.

156. The constitutional principles of the NCAA ensure that student-athletes at all member schools are provided medical care and safety standards that reflect best practices, which are guided by cutting-edge research, education and policy.

157. Promoting research and education regarding student-athlete health and safety and developing educational materials and guidance on student-athlete health matters such as concussions are core functions of the NCAA, including the NCAA's Sports Science Institute.

158. NCAA-directed and funded concussion research was previously known as the NCAA National Sport Concussion Outcomes Study.

159. Starting in 2014 the NCAA and the U.S. Department of Defense (DoD) entered a “partnership” through which the NCAA provides to the DoD data regarding injuries by student-athletes and the DoD provides the NCAA funding for education and research on sport concussion injuries, the NCAA participates in the identification of NCAA member institutions that will conduct the scientific research, the DoD and NCAA ultimately receive access to the government funded research, and the NCAA uses the research to revise its educational materials, protocols and rules for student-athletes.

160. President Obama announced the NCAA-DoD education and research partnership known as the “Grand Alliance” on May 29, 2014, saying:

Today, . . . I’m proud to announce a number of new commitments and partnerships . . . that are going to help us move the ball forward on [concussion education and research]. The NCAA and the Department of Defense are teaming up to commit *\$30 million for concussion education and a study involving up to 37,000 college athletes* which will be the most comprehensive concussion study ever. And our service academies – Army, Navy, Air Force, and Coast Guard – are all signed up to support this study in any way that they can . . . These efforts are going to make a lot of difference for a lot of people – from soldiers on the battlefield to students out on the football field.

161. On the NCAA website, Chief Medical Officer Brian Hainline calls the Grand Alliance a “partnership” between the NCAA and the DoD, saying, “In partnership with the U.S. Department of Defense, the NCAA launched the landmark multi-million dollar NCAA-DoD Grand Alliance to fund the most comprehensive study conducted in the history of concussion research that includes

an education and research grand challenge aimed at improving the culture of concussion reporting and management. . . The NCAA-DoD Grand Alliance includes two initiatives, the CARE Consortium, which will offer critical insights into the natural history and neurophysiology of sport-related concussion; and the Mind Matters Challenge, a \$7 million initiative aimed at changing important concussion safety behaviors and the culture of concussion reporting and management.” Available at: <https://www.ncaa.org/sports/2016/8/3/concussion-data-and-research.aspx>.

162. An October 7, 2021, announcement stated that more than \$105 million had been given to the Grand Alliance concussion education and study program.

163. At least \$85 million in funding for the NCAA-DoD Grand Alliance has come from the federal government.

164. On October 8, 2021, NCAA Chief Medical Officer Hainline, said, “We are confident that this award from [the Medical Technology Enterprise Consortium through the U.S. Army Medical Research and Development Command], coupled with additional funding from the NCAA and DoD, will provide us the support to develop an array of interventions that mitigate possible long-term effects of concussion[.]”

165. The current Health, Safety & Performance landing page on the NCAA website says “The NCAA-U.S. Department of Defense Concussion Assessment,

Research and Education Consortium is the largest concussion and repetitive head impact study in history. The project, funded by the NCAA and DoD, launched in 2014 and now includes participants on 30 campuses across the country. The CARE Consortium, part of the broader NCAA-DoD Grand Alliance, is composed of two major components: a clinical study core, which aims to define how symptoms and physical signs manifest and evolve over time in different people (known in the scientific community as the “natural history” of concussion), and the advanced research core, which seeks to identify the neurobiology of concussion and repetitive head impact exposure (how the brain itself is affected).” *Available at:* <https://www.ncaa.org/sports/2018/3/7/ncaa-dod-care-consortium.aspx>.

166. The NCAA and DoD have co-hosted multiple Grand Alliance Concussion Conferences for athletic trainers, team physicians, sports medicine clinicians and athletic health care administrators from NCAA member schools. *See* <https://www.ncaa.org/news/2021/5/11/ncaa-dod-grand-alliance-conference-highlights-concussion-biomarker-research.aspx>.

167. The research funded by the NCAA and the federal government through the NCAA-DoD Grand Alliance has resulted in NCAA rule changes. For instance, “[t]he CARE consortium has resulted in changes in the NCAA football contact practice guidelines and the diagnosis and management of sports-concussion.” *See*

https://mrhc.health.mil/index.cfm/media/articles/2018/research_supporting_lifetime_of_brain_injury.

168. The NCAA-DOD Grand Alliance and the millions in federal dollars contributed to the project are promoted on the NCAA website and by NCAA staff members in their outreaches to NCAA stakeholders and member institutions.

169. By contributing to policy changes and NCAA-developed concussion guidance materials the federal funding obtained by the NCAA contributes to the NCAA's mission and to its standing with NCAA member institutions.

170. For the reasons set forth above, from at least 2014 through the present the NCAA has been a direct and/or indirect recipient and beneficiary of financial assistance from the U.S. federal government.

THE ASSOCIATION-WIDE NATURE OF THE NCAA'S TRANSGENDER ELIGIBILITY POLICIES

171. The decision to implement the NCAA's Transgender Eligibility Policies is an Association-wide decision made by the NCAA Board of Governors.

172. The Board of Governors' decisions in this area fall directly within core areas which NCAA members have outsourced to the NCAA.

173. The NCAA's Transgender Eligibility Policies are collegiate sport eligibility rules over which NCAA member institutions have given the NCAA control.

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Respectfully submitted,

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